

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN CLARK,

Petitioner,

v.

Case No. 81-73009

BARRY MINTEZEE,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION REQUESTING COPIES OF COURT FILES**

Before the court is a motion requesting copies of certain court files, filed by Petitioner John Clark. According to the motion, Petitioner was convicted on July 14, 1977 on four counts of felony murder and has been in state custody since that time. Petitioner states that, at some point during his incarceration, the Michigan Department of Corrections purportedly lost his "entire court file." Petitioner asks this court's assistance to "reconstruct the court records" so that he may file his first post-conviction motion in state court. The court will deny the motion.

First, the court is not persuaded that Petitioner's motion is properly before this court. The caption of the motion, as well as the supporting affidavits, indicate, not this court, but Wayne County Circuit Court. While a 1981 federal case number is also listed on the document, it appears that Petitioner intended to file his state-court captioned motion in state court.

Moreover, even if Petitioner seeks relief from this court, he has provided no authority requiring this court to burrow through an almost thirty-year-old closed federal

case to locate any of the documents listed on Petitioner's lengthy, and somewhat vague,¹ list of requested documents. Petitioner does not explain why he seeks a federal court's intervention in a state court matter when he can presumably seek the requested relief from a state court. Finally, Petitioner does not articulate with any degree of particularity why the requested documents are necessary to pursue post-conviction relief. For all of these reasons,

IT IS ORDERED that Petitioner's motion requesting copies of court files [Dkt. # 2] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 28, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 28, 2009, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹Petitioner requests a list of, at least, thirty-seven documents, and likely many more. For example, he requests "other pre-trial motions," without specifying which or how many of such motions he needs.